
SUBSTITUTE SENATE BILL 5854

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Benton and Carrell)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to utility liens against rental property; and
2 amending RCW 35.21.290, 35.67.200, and 36.94.150.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, cities
7 and towns owning their own waterworks, or electric light or power
8 plants shall have a lien against the premises to which water, electric
9 light, or power services were furnished for four months charges
10 therefor due or to become due, but not for any charges more than four
11 months past due: PROVIDED, That the owner of the premises or the owner
12 of a delinquent mortgage thereon may give written notice to the
13 superintendent or other head of such works or plant to cut off service
14 to such premises accompanied by payment or tender of payment of the
15 then delinquent and unpaid charges for such service against the
16 premises together with the cut-off charge, whereupon the city or town
17 shall have no lien against the premises for charges for such service
18 thereafter furnished, nor shall the owner of the premises or the owner
19 of a delinquent mortgage thereon be held for the payment thereof.

1 (2) If a property owner or the owner's designee notifies the city
2 or town in writing that a property served by the city or town is a
3 rental property, and provides, in writing, a mailing address for the
4 tenant that is complete and accurate at the time it is provided, if a
5 city or town contracts directly with the tenant for services, the city
6 or town shall have no lien against the premises for the tenant's
7 delinquent and unpaid charges and the city or town shall have no right
8 of action against the property owner.

9 **Sec. 2.** RCW 35.67.200 and 1991 c 36 s 2 are each amended to read
10 as follows:

11 (1) Except as provided in subsection (2) of this section, cities
12 and towns owning their own sewer systems shall have a lien for
13 delinquent and unpaid rates and charges for sewer service, penalties
14 levied pursuant to RCW 35.67.190, and connection charges, including
15 interest thereon, against the premises to which such service has been
16 furnished or is available, which lien shall be superior to all other
17 liens and encumbrances except general taxes and local and special
18 assessments. The city or town by ordinance may provide that delinquent
19 charges shall bear interest at not exceeding eight percent per annum
20 computed on a monthly basis: PROVIDED, That a city or town using the
21 property tax system for utility billing may, by resolution or
22 ordinance, adopt the alternative lien procedure as set forth in RCW
23 35.67.215.

24 (2) If a property owner or the owner's designee notifies the city
25 or town in writing that a property served by the city or town is a
26 rental property, and provides, in writing, a mailing address for the
27 tenant that is complete and accurate at the time it is provided, if a
28 city or town contracts directly with the tenant for services, the city
29 or town shall have no lien against the premises for the tenant's
30 delinquent and unpaid charges and the city or town shall have no right
31 of action against the property owner.

32 **Sec. 3.** RCW 36.94.150 and 1997 c 393 s 9 are each amended to read
33 as follows:

34 (1) Except as provided in subsection (4) of this section, all
35 counties operating a system of sewerage and/or water shall have a lien
36 for delinquent connection charges and charges for the availability of

1 sewerage and/or water service, together with interest fixed by
2 resolution at eight percent per annum from the date due until paid.
3 Penalties of not more than ten percent of the amount due may be imposed
4 in case of failure to pay the charges at times fixed by resolution.
5 The lien shall be for all charges, interest, and penalties and shall
6 attach to the premises to which the services were available. The lien
7 shall be superior to all other liens and encumbrances, except general
8 taxes and local and special assessments of the county.

9 (2) The county department established in RCW 36.94.120 shall
10 certify periodically the delinquencies to the auditor of the county at
11 which time the lien shall attach.

12 (3) Upon the expiration of sixty days after the attachment of the
13 lien, the county may bring suit in foreclosure by civil action in the
14 superior court of the county where the property is located. Costs
15 associated with the foreclosure of the lien, including but not limited
16 to advertising, title report, and personnel costs, shall be added to
17 the lien upon filing of the foreclosure action. In addition to the
18 costs and disbursements provided by statute, the court may allow the
19 county a reasonable attorney's fee. The lien shall be foreclosed in
20 the same manner as the foreclosure of real property tax liens.

21 (4) If a property owner or the owner's designee notifies the county
22 in writing that a property served by the county is a rental property,
23 and provides, in writing, a mailing address for the tenant that is
24 complete and accurate at the time it is provided, if a county contracts
25 directly with the tenant for services, the county shall have no lien
26 against the premises for the tenant's delinquent and unpaid charges and
27 the county shall have no right of action against the property owner.

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